REMARKS/ARGUMENTS

Claims 1-24, 40 and 41 are now pending in this application. Claims 1 and 13 are independent claims. Claims 1 and 13 have been amended. Claims 25-39 have been cancelled.

Claim Rejections – 35 USC § 101

Claims 1-11 and 40 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. (Office Action, Page 2).

Applicant respectfully traverses under this section citing the following:

> "As cast, 35 U.S.C. 101 defines four categories of inventions that Congress deemed to be the appropriate subject matter of a patent; namely, processes, machines, manufactures and compositions of matter" (MPEP § 2106).

In lieu of the above-cited passage of the MPEP, Applicant contends that the subject matter of the claims rejected under this section is statutory subject matter under 35 U.S.C. 101 because said claims are directed to a process. However, independent Claim 1 has been amended in accordance with Examiner's suggestions, thereby obviating the rejections under this section.

Claim Rejections – 35 USC § 103(a)

Claims 1, 2, 13, 14, 40 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cockrill et al., United States Patent Number: 6,473,740 (hereinafter: Cockrill), in view of Freund et al., United States Patent Number: 6,138,169 (hereinafter: Freund). (Office Action, Page 3). Claims 3-6, 8-12, 15-18 and 20-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cockrill, in view of Freund, and further in view of Saulpaugh et al., United States Patent Number: 5,590,334 (hereinafter: Saulpaugh). (Office Action, Page 4). Claims 7 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cockrill, in view of Freund, and further in view of Sato (Facsimile system). (Office Action, Page 6). Applicant respectfully traverses these rejections.

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"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. <u>Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.</u>" (emphasis added) (MPEP § 2143). "<u>If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious.</u>" (emphasis added) *In re Fine*, 837 F. 2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988). Applicant respectfully submits that independent Claims 1 and 13 include elements that do not appear to have been disclosed by any of the references cited by the Patent Office, either alone or in combination.

Independent Claims 1 and 13 of the present invention each generally recite the following:

> "wherein the transaction object is capable of transmitting data related to the stored occurrence of the utilization event over a network *via a direct, object-to-object communications protocol.*"

The present invention implements object oriented programming which possesses polymorphic and inheritance features. (Present Application, Page 11, Lines 1-7). In the present invention, polymorphism and inheritance operate to produce object construction, implementation, and utilization without centralized control (i.e., the object hierarchy of the objects of the present invention manage object construction, implementation, and utilization). (Present Application, Page 11, Lines 1-7). For example, in the present invention, although an architecture administrator is involved in creating a DBO (Dynamic Base Object), it has no subsequent role in DBO communications, therefore allowing DBOs to communicate free of centralized control as claimed in the present application. (Present Application, Page 12, Lines 26-29 and Lines 6-9). Such communication capabilities may include direct (object-to-object) communication. (Present Application, Page 11, Lines 13-15). Thus, the object-based architecture of the present invention promotes improved fault tolerance over conventional object-based architectures, such as CORBA (Common Object Request Broker Architecture), by allowing direct

communication between objects and eliminating a single point of failure, such as the ORB (Object Request Broker) of CORBA. (Present Application, Page 4, Lines 6-21, Lines 24-25).

Based on the rationale above, Applicant contends that none of the references cited by the Patent Office against the present invention, either alone or in combination, disclose the above-referenced elements as claimed in Claims 1 and 13 of the present application and therefore, the above-cited references do not preclude patentability of the present invention under 35 U.S.C. § 103(a). Applicant further contends that it would not have been obvious to one of ordinary skill in the art at the time of the present invention to combine or modify any of the above-cited references, either alone or in combination, to arrive at the present invention as claimed. In fact, Freund actually teaches away from the present invention by disclosing that its system implements CORBA architecture, an architecture which, as mentioned above, is incompatible for implementation with the present invention. (Freund, Column 5, Lines 49-52). As a result, a *prima facie* case of obviousness has not been established for independent Claims 1 and 13. Thus, independent Claims 1 and 13 are believed allowable. Further, Claims 2-12 and 40 (which depend from claim 1) and Claims 14-24 and 41 (which depend from claim 13) are therefore allowable.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the pending claims is earnestly solicited.

Respectfully submitted on behalf of

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Dated: March 9, 2006

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